



IT IS ORDERED

Date Entered on Docket: May 8, 2019

The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Gustavo Ramirez

Case No. 19-10720-j7

Debtor(s).

**DEFAULT ORDER GRANTING WELLS FARGO BANK, NA RELIEF FROM STAY AND
ABANDONMENT OF PROPERTY LOCATED AT 312 SOUTH SYCAMORE AVENUE,
ROSWELL, NEW MEXICO 88203**

This matter came before the Court on the Motion for Relief from Stay and to Abandon Property located at 312 South Sycamore Avenue, Roswell, New Mexico 88203 filed on April 12, 2019, Docket No.12 (the "Motion") by Wells Fargo Bank, NA ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On April 12, 2019, Movant served the Motion and a notice of the Motion (the "Notice") on counsel of record for the Debtor(s) and the case trustee (the "Trustee") by use of the Court's case management and electronic filing system for the transmission of notices, as

authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor(s) by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

LOT SEVEN (7) IN BLOCK FOUR (4) OF OAK KNOLL SUBDIVISION, IN THE CITY OF ROSWELL, COUNTY OF CHAVES AND STATE OF NEW MEXICO, AS SHOWN ON THE OFFICIAL PLAT FILED IN THE CHAVES COUNTY CLERK'S OFFICE ON MARCH 18, 1954, AND RECORDED IN BOOK C OF PLAT RECORDS, CHAVES COUNTY, NEW MEXICO, AT PAGE 10

(the "Property").

(c) The Notice specified an objection deadline of 21 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on May 6, 2019;

(f) As of May 7, 2019, neither the Debtor(s) nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies, under penalty of perjury that, on May 7, 2019 Krista Jones, Bankruptcy Legal Assistant searched the data banks of the Department of Defense Manpower Data Center ("DMDC"), and found that the DMDC does not possess any information indicating that the Debtor(s) is/are currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. Pursuant to 11 U.S.C. §362(d), Movant and any and all holders of liens against the Property, of any lien priority, are hereby are granted relief from the automatic stay:

(a) To enforce their rights in the Property, including eviction, under the terms of any prepetition notes, mortgages, security agreements, and/or other agreements to which

Debtor is a party, to the extent permitted by applicable non-bankruptcy law, such as by commencing or proceeding with appropriate action against the Debtor or the Property, or both, in any court of competent jurisdiction; and

(b) To exercise any other right or remedy available to them under law or equity with respect to the Property.

2. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

3. This order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.

XXX END OF ORDER XXX

Submitted by:

TIFFANY & BOSCO, P.A.

By: /S/Electronically submitted/ May 7, 2019

Karen H. Bradley

Attorney for Movant

P.O. Box 3509

Albuquerque, New Mexico 87190

Ph: (505) 248-2400 Fax: (505) 254-4722

Copies to:

E C Mike Gomez
Attorney for Debtor
PO Box 2931
Roswell, NM 88202-2931

Clarke C. Coll
Trustee
PO Box 2288
Roswell, NM 88202-2288

Gustavo Ramirez,
310 E. Jefferson
Roswell, NM 88203